

**BOARD OF REAL ESTATE APPRAISERS
BOARD MEETING MINUTES – May 3, 2005**

MEMBERS PRESENT

Kenneth Charest
Bruce Bell
Walter Bowditch
Joseph Herlihy
James Murphy
Theodore Webersinn

MEMBERS ABSENT

OTHERS PRESENT

Carol Leighton, Administrator
Dennis Smith, A.A.G.
Susan Greenlaw, Board Clerk

Location: Central Conference Room **Start:** 9:00 a.m. **Adjourn:** 2:00 p.m.

CALL TO ORDER

The meeting was called to order at 9:00 a.m.

AGENDA MODIFICATIONS

Members agreed to add the following:

- AARO Conference Report
- Licensure Exemptions Update

OLD BUSINESS

Action on Minutes of April 5, 2005 Meeting

A motion was made by James Murphy to approve the minutes of the April 5, 2005 meeting as written; seconded by Theodore Webersinn. Bell, Charest, Herlihy, Murphy, and Webersinn voted in the affirmative; none opposed; Bowditch abstained. Motion carried.

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Action on Tabled Applications/Items

NAME	APPLYING TO	OTHER	ACTION
APPLICANT #1	<p>REINSTATEMENT REQUEST FOR CR 120</p> <p>LIC EXPIRED 12/31/2002</p> <p>APPLICATION WAS RECEIVED WITHIN THE 2 YEAR WINDOW FOR REINSTATEMENT</p> <p>MIN 120 QE BAL MET MIN 24 MTS EXP MET MIN 2500 EXP HRS MET - RECORD INDICATES ORIGINAL 1500 HOURS APPROVED BY THE BOARD AT TIME OF TRANSITIONAL LICENSING IN 1991 PASSED THE CR EXAM</p>	<p>HAS A CRIMINAL CONVICTION HAS BEEN DISCIPLINED BY THIS BOARD</p> <p>WOULD NEED TO COMPLY WITH CURRENT WORK EXPERIENCE REQUIREMENT PER BOARD RULES CHAPTER 200 SECTION 4 AND 32 MRSA §14025</p> <p>SEE ALSO 32 MRSA §14031(2)(A) – LICENSEE</p> <p>DOES NOT HOLD A VALID LICENSE IN ANY STATE</p>	<p><u>MAY 2, 2005</u> – RECEIVED MATERIALS FROM APPLICANT; DISCUSSION REGARDING IF RETAKING THE EXAM SHOULD BE REQUIRED – WAS NOT INCLUDED IN MOTION AND CONSENT AGREEMENT. A MOTION WAS MADE BY HERLIHY TO MAKE NO MODIFICATION TO THE ORIGINAL CONSENT AGREEMENT; SECONDED BY MURPHY. UNANIMOUS.</p> <p><u>FEB 1, 2005</u> – BOARD VOTED TO OFFER CONSENT AGREEMENT TO INCLUDE NO SUPERVISION OF TRAINEES; FINE; DOCUMENTATION OF EXPERIENCE.</p>
APPLICANT #2	<p>MIN 120 QE BAL MET MIN 24 MONTHS EXP MET – FIRST LICENSED IN 2002 MIN 2500 EXP HOURS MET – SOME OF WHICH MUST BE “MAJOR RESIDENTIAL”</p>	<p>COPIES OF SAMPLE APPRAISALS REQUESTED</p>	<p><u>MAY 2, 2005</u> – A MOTION WAS MADE BY HERLIHY TO DENY PURSUANT TO §14002(7), BOARD RULES CHAPTER 200 SECTION 4(B)(2); SECONDED BY MURPHY. UNANIMOUS.</p> <p><u>APRIL 5, 2005</u> – BOARD MEMBER TO REVIEW SAMPLES</p>

NEW BUSINESS

Administrator's Report

Administrator Carol Leighton provided an update on the following legislation:

- L.D. 1484 “An Act To Protect Consumers and Enhance Real Estate Practice”

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Complaint Officer's Report

Joseph Herlihy, Complaint Officer, presented the facts in the following cases:

#REA-192/193

#REA-192 (supervisor): A motion was made by Theodore Webersinn to find the licensee in violation of 32 M.R.S.A. §14014(1)(B)(G)(I)(J), and 2003 USPAP Standards Rule 1-1(a)(b)(c), 2-1(a)(b)(c) and to offer a Consent Agreement to include a one year probation period during such time the licensee shall agree to (1) admit to violations; (2) not be allowed to supervise any trainees; (3) \$2000 fine payable within 30 days; (4) minimum 30 hour basic course with exam within six months (not to be counted toward renewal requirement); (5) 15 hour USPAP with exam within six months (not to be counted toward renewal requirement); seconded by James Murphy. Bell, Bowditch, Charest, Murphy, and Webersinn voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

#REA-193 (trainee): A motion was made by Theodore Webersinn to find the licensee in violation of 32 M.R.S.A. §14014(1)(B)(G)(I)(J), and 2003 USPAP Standards Rule 1-1(a)(b)(c), 2-1(a)(b)(c) and to offer a Consent Agreement to include a six month probation during such time the licensee shall (1) admission to violations; (2) \$2000 fine payable within 30 days; (3) minimum 30 hour basic course with exam (not to be counted toward renewal requirement); (4) 15 hour USPAP with exam (not to be counted toward renewal requirement); seconded by Walter Bowditch. Bell, Bowditch, Charest, Murphy, and Webersinn voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

#REA-218: A motion was made by Theodore Webersinn to dismiss upon finding no violation of Board statute or rules; seconded by James Murphy. Bell, Bowditch, Charest, Murphy, and Webersinn voted in the affirmative; none opposed Herlihy abstained. Motion carried.

#REA-223: A motion was made by Walter Bowditch to dismiss upon finding no violation of Board statute or rules; seconded by Theodore Webersinn. Bell, Bowditch, Charest, Murphy, and Webersinn voted in the affirmative; none opposed Herlihy abstained. Motion carried.

Survey Update

Members were provided with information on responses that have been received as of April 28, 2005.

Review/Action on Decision & Order – Aaron Adler (hearing 4/5/05)

A motion was made by Theodore Webersinn to accept the Decision & Order as presented; seconded by James Murphy. Bell, Charest, Murphy, and Webersinn voted in the affirmative; Bowditch and Herlihy abstained. Motion carried.

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Review and Action on Applications and Education

No new applications for review.

Correspondence

Appraisal Subcommittee – State Field Contacts: Presented for notification purposes.

The Appraisal Foundation – Criteria Implementation: Presented for informational purposes.

Next Meeting Scheduled for June 7, 2005

OTHER BUSINESS

Theodore Webersinn provided a report on the AARO Spring Conference in which he attended.

The Board discussed information presented by Assistant Attorney General Dennis Smith as a result of the Mandatory Disclosures for Broker Appraisals/Opinions of Market Value issue. Paul Cloutier and George Koutalakis spoke to the Board regarding this matter. A motion was made by Theodore Webersinn that a draft summary of this discussion be provided to the Board for review at the next meeting and that the information be shared with licensees and included in the newsletter; seconded by Walter Bowditch. Unanimous.

ADJOURN

Being no further board business the meeting was adjourned at 2:00 p.m.

Respectfully submitted,

Susan Greenlaw
Board Clerk